

REMARKS

Rejection under 35 U.S.C. 103

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,551,077 to Oda in view of U.S. Pat. No. 6,097,973 to Rabe. Applicants respectfully disagree.

The Applicants acknowledge that the Examiner opines that "Oda does not show using a first and second threshold to determine which power (i.e. main or backup) is to be used".

The Applicants note that according to the Examiner, Rabe (US 6,097,973) "*teaches a portable device that uses main power (110, figure 1) and a backup power source (138 figure 1). Rabe teaches using the main power (110 figure 1) if the battery is fully charged and uses backup power source (138 figure 1) when battery falls below threshold (col. 4 line 60 – col. 5 line 46). Rabe also teaches that main power (110 figure 1) can be used during high power mode and uses backup power source (138 figure 1) during low power mode*".

The Applicants disagree with the above analysis for at least the following reasons:

-a/ Reference 138 of Rabe relates to an electrochemical capacitor "provided for efficiency and for reducing low voltage drops due to high current demands of Power Amplifier 136" (col. 3, lines 60-62). Rabe does not teach or suggest that reference 138 may relate to a "backup power source" as asserted by the Examiner.

As to the connection/disconnection of capacitor 138 (with switch 140), the Applicants note that col. 5, lines 5-9 of Rabe recite that "*control circuitry 120 keeps switch circuit 140 open until main energy source 110 provides an operating voltage that is less than the maximum operating voltage*". Applicants note that the "maximum operating voltage" is the maximum operating voltage of the capacitor 138 (see col. 4, line 65 – col. 5, line 1). Applicants respectfully submit that one skilled in the art readily understands that

exposing an electrochemical capacitor to a voltage above its maximum operating voltage is likely to damage the capacitor, and readily understands that switch 140 merely disconnects the capacitor 138 to protect it from an overvoltage.

-b/ Applicants note that col. 5, lines 26-31 of Rabe relates to an embodiment where *"control circuit 120 closes switch circuit 140 during the talk mode and opens switch circuit 140 during the standby mode"*. Rabe recites (col. 5, lines 20-24) that *"during the talk mode [...] electronic circuit 106 draws a relatively large current"* and recites (col. 5, lines 14-16) that *"during the standby mode, [...] electronic circuit 106 draws a relatively small current"*, whereby the talk mode is a high power mode and the standby mode is a low power mode. Accordingly, Applicants note that col. 5, lines 26-31 of Rabe actually recites closing switch 120 during high power mode, and opening switch 120 during low power mode, thus **teaching away** from the interpretation of the Examiner according to which Rabe would close switch 120 (to use the "backup power source" capacitor 138) during low power mode.

Besides, Applicants note that in Rabe, col. 4 line 60 to col. 5 line 46, energy source 110 remains connected (whether switch circuit 140 is closed or not). The above excerpt can therefore not be deemed to disclose or suggest "disconnecting the main power source from the circuit block" or "reconnecting the main power source to the circuit block" as recited in claim 20.

In view of the above, the Applicants respectfully note that the Examiner has failed to show:

- that capacitor 138 would be a backup power source;
- that Rabe teaches using a main power if the battery is fully charged and using backup power source when battery falls below threshold; or
- that Rabe teaches using a main power source during a high power mode and a backup power source during a low power mode.

The Applicants further note that the Examiner has altogether failed to show that Rabe suggests or disclose at least the feature of "using a first and second threshold to

determine which power (i.e. main or backup) is to be used". Since the Examiner has acknowledged that "Oda does not show using a first and second threshold to determine which power (i.e. main or backup) is to be used", the Applicants respectfully submit that the Examiner has altogether failed to show that any combination of Oda and Rabe, assuming *arguendo* that one skilled in the art would have combined these references, would have led one of ordinary skill in the art to a method comprising the above feature. It follows that the Examiner has failed to show that any combination of Oda and Rabe would have led one skilled in the art to a method as recited in claim 20, and in particular comprising: "disconnecting the main power source from the circuit block when an output characteristic detected by the power detection module is below a first threshold value:

detecting the output characteristic of the main power source with the power detection module in response to a notification signal asserted from the timing unit at a predetermined time interval; and

reconnecting the main power source to the circuit block when the output characteristic detected by the power detection module is beyond a second threshold value".

The Examiner has not made, and indeed cannot make, a *prima facie* showing that a combination of Oda and Rabe would have led one skilled in the art to a device as recited in claim 20, simply because as shown above, a combination of references does not disclose or suggest all the limitations of claim 20. Applicants respectfully submit that claim 20 is patentable over Oda in view of Rabe.

Besides, the Applicants note that the Examiner alleges that Rabe teaches "a portable device that uses main power (110, figure 1) and a backup power source (138 figure 1)", or "using the main power (110 figure 1) if the battery is fully charged and uses backup power source (138 figure 1) when battery falls below threshold (col. 4 line 60 – col. 5 line 46)" or that "main power (110 figure 1) can be used during high power mode and uses backup power source (138 figure 1) during low power mode", and opines that therefore it would have been obvious for one of ordinary skill in the art to utilize the control circuitry as taught by Rabe into the teachings of Oda.

However since, as shown above, the Examiner has failed to show that Rabe actually teaches these alleged features, the applicants respectfully submit that the Examiner has also failed to show that it would have been obvious for one of ordinary skill in the art to combine the alleged features of Rabe and the teachings of Oda.

Allowable subject matter

The Applicants acknowledge with gratitude the allowance of claims 1-19 and 21.

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In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

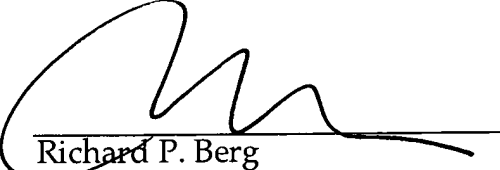
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Shannon Tinsley
(Name of Person Transmitting)

STinsley
(Signature)

5/12/06
(Date)

Respectfully submitted,


Richard P. Berg
Attorney for the Applicant
Reg. No. 28,145
LADAS & PARRY
5670 Wilshire Boulevard, Suite
2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rberg@ladas.com